

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ANTHONY CIOFFI, JR.,</b>	)	<b>CASE NO. 4:04CV1836</b>
	)	
<b>PETITIONER,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>DAVID BOBBY, WARDEN,</b>	)	
	)	
<b>RESPONDENT.</b>	)	<b>JUDGMENT</b>
	)	

For the reasons set forward in this Court's memorandum and order of this date, it is **ORDERED** that the Magistrate Judge's Report and Recommendation is **ADOPTED**; and **IT IS FURTHER ORDERED** that Petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**.

Finally, the Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

/s/ Peter C. Economus - February 27, 2006  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**